

SENTENCE REDUCTIONS FOR A GUILTY PLEA

SENTENCING EXPLAINED

This note explains the practice of plea-based reductions in England and Wales. The practice is near universal: all common law countries – including the US, Canada, Australia, and New Zealand – award sentence reductions if the defendant pleads guilty. The practice has a clear statutory basis in English law.¹ Plea-based sentence reductions have long been a part of sentencing in the nations of the United Kingdom. Finally, the practice affects high numbers of cases: most defendants who are charged with a criminal offence plead guilty, usually early in the process. In 2024, 78.5% of cases in the magistrates' courts and 70.1% of cases in the Crown Court were resolved by a guilty plea.²

Justifications for plea-based sentence reductions

- Without a trial, crime victims and witnesses are spared the experience of having to come to court to testify. For many victims – particularly victims of violent crime – testifying in court can be traumatic and is often time-consuming. Moreover, victims often benefit from knowing that the offender has accepted responsibility by admitting guilt. Witnesses are also often keen to avoid the experience of re-living the crime in a public forum. Testifying may involve multiple trips to a court if proceedings are adjourned.
- The courts save time and money by avoiding a trial. This permits the police and the Crown Prosecution Service to conserve their limited resources to prosecute the most serious crimes.
- The possibility of a reduced sentence encourages defendants who are guilty to take responsibility for their actions, and this may constitute a step towards their rehabilitation.

How does the scheme work?

Once defendants are informed of the prosecution case against them, they have an opportunity to enter a plea in a magistrates' court. If they plead guilty at this first stage in the criminal process, the court will proceed to sentencing without needing to conduct a trial. Defendants who enter an early plea will normally benefit from a one-third reduction in their sentence. This also enables the courts to impose a different type of sentence; for example, a community order instead of a prison

¹ Section 73 of the Sentencing Act 2020 provides that when passing sentence on an offender who has pleaded guilty: 'The court must take into account the following matters: (a) the stage in the proceedings for the offence at which the offender indicated the intention to plead guilty; and (b) the circumstances in which the indication was given'.

² <https://www.cps.gov.uk/publication/cps-data-summary-quarter-1-2024-2025>

sentence, or a fine instead of a community order. The level of reduction diminishes the longer the defendant waits before entering a guilty plea. A defendant who at first pleads not guilty, but who later changes their plea to guilty on the day of trial, will receive a smaller reduction – 10%. The logic operating here is that the benefit to victims, witnesses and the court system declines the longer the defendant waits before pleading guilty. If the plea is entered before the day of trial but after the first opportunity to do so, the defendant will receive a reduction less than one-third but more than one-tenth.

At the time of sentencing, a court will first establish a provisional sentence for the offence, taking into account all relevant circumstances related to the crime or the offender. Then, if a guilty plea is entered, the court will apply the plea-based sentence reduction guideline (see below), determining the appropriate level of reduction in this particular case. Finally, the court will state clearly the level of reduction awarded and the effect of the reduction on the sentence imposed. This requirement ensures that the offender, the victim, and all interested parties understand the impact of the plea.

The role of the definitive guideline on plea-based sentence reductions

The level of reduction is regulated by a guideline issued by the Sentencing Council and endorsed by the Court of Appeal.³ The guideline explains the justifications for awarding reductions and lays out the levels of reduction appropriate in different scenarios. Defendants who wish to accept responsibility have a clear idea of what the impact of pleading guilty will be on the sentence they receive.

The guideline also serves as a cap or limit on the reduction: defendants may not receive a reduction in excess of one third. This cap serves to ensure that a plea does not radically change a person's sentence (for example, the amount of time to be spent in prison, or the amount of fines to pay) by pleading guilty.

Exceptions to the guidelines

The guideline permits courts to award different levels of reduction if certain circumstances arise. For example, if a defendant has not been fully informed of the case against them, and enters a guilty plea after the first opportunity to do so, they may still be awarded the maximum one-third reduction. The guideline also contains exceptions for vulnerable defendants who may have needed more time to comprehend the nature of the evidence against them.

How do the reductions in England and Wales compare to other countries?

In other countries, defendants who plead guilty receive more generous sentence reductions. When this occurs, there is a danger that some defendants who have a legitimate defence to the charge may plead guilty, just to get the greatly reduced sentence. If this happened in England, it would be a wrongful conviction, and the English system attempts to minimise its likelihood by keeping the sentence reductions modest. Sentence reductions are offered to defendants to encourage those who accept their guilt to move forward without a trial; the reductions are not intended to elicit guilty pleas from defendants who are not guilty, or not guilty of the crime charged.

³ See *Caley and Others* [2012] EWCA Crim 2821.

The purpose of the guideline is therefore three-fold:

- (i) to ensure that sentence reductions are consistently applied across all courts;
- (ii) to improve the predictability of sentencing outcomes; and
- (iii) to improve the transparency of sentencing when all parties, and the general public, have a clearer idea of how a particular sentence was reached.

The effect of a guilty plea on sentencing for murder

Offenders pleading guilty to murder will also receive some reduction in the number of years that they must serve before becoming eligible to apply for release on life licence. Murder trials may take weeks of court time and consume a great deal of police and Crown Prosecution Service resources, both of which have been reduced in recent years. In addition, participating in a murder trial is likely to be very traumatic for secondary victims, relatives of the deceased, as well as any witnesses who may have to testify. Although people convicted of murder receive a reduction for a guilty plea, the effect of a plea is capped. A defendant pleading guilty to murder will normally receive a reduction in the minimum term of no more than one-sixth, and the number of years reduced may not exceed five.